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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
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ART UNIT	PAPER NUMBER
2115	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,367	GENTIL ET AL.	
	Examiner	Art Unit	
	Sean Weinman	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment filed on 1 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 31-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 31-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the supplemental amendment received on June 1, 2006. ***Claims 2-30*** are cancelled. ***Claims 1 and 31-61*** are pending.

Drawings

The drawings/amended specifications were received on March 23, 2006. These drawings are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 35-36, 43-44, 51-52 and 59-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites "a software application" on line 2 of the respective claim. It is unclear whether this is intended to be the same as or different from the "software application" recited on in claim 31 line 3.

Claim 43 recites "a software application" on line 3 of the respective claim. It is unclear whether this is intended to be the same as or different from the "software application" recited on in claim 31 line 6.

Claim 51 recites "a software application" on line 2 of the respective claim. It is unclear whether this is intended to be the same as or different from the "software application" recited on in claim 47 line 3.

Claim 59 recites "a software application" on line 2 of the respective claim. It is unclear whether this is intended to be the same as or different from the "software application" recited on in claim 55 line 5.

Any claim not specifically addressed above is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31, 39, 47, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins et al. (US Patent No. 5,845,090).

As per claim 31, Collins et al. teaches the claimed invention comprising:

A machine-implemented method comprising the steps of:

copying, from a first computer system to a persistent memory device *(Col. 4 lines 66-67 and Col. 5 lines 1-16 and Figure 2 Reference characters 1 and 12)*, one or more executable files associated with a software application *(Col. 1 lines 37-47 and 52-55 and Col.2 lines 33-35)* ;

copying, from the first computer system to the persistent memory device, information associated with the software application that is used to facilitate execution of the software application *(Col. 5 lines 3-8 and lines 34-40)*;

creating an install file for overseeing installing and uninstalling the software application on a computer system other than the first computer system *(Col. 1 lines 59-63 and Col. 9 lines 16-21)*;

copying the install file from the first computer system to the persistent memory device *(Col. 9 lines 16-21)*;

under direction of the install file, copying at least a portion of the information associated with the software application from the persistent memory device to a second computer system *(Col. 1 lines 52-55 and Col. 9 lines 30-39))*; and

executing the one or more executable files associated with the software application on the second computer system directly from the persistent memory device *(Col. 1 lines 37-47)*.

As per claim 39, it is directed at the apparatus for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed apparatus for transferring a software application from a persistent memory to a target computer.

As per claim 47, it is directed at the apparatus for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed apparatus for transferring a software application from a persistent memory to a target computer.

As per claim 55, it is directed at the instructions for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed instructions for transferring a software application from a persistent memory to a target computer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 31-36, 38-44, 46-52, and 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (US Patent No. 5,845,090) in view of Carroll et al. (US Patent No. 6,301,707).

As per claim 1, Collins et al. teaches the claimed invention comprising:

A method of transferring device settings from a persistent memory device to a target computer comprising:

[[a.]] storing data relating to a first computer in the persistent memory device, wherein the data comprises a software application *(Col. 1 lines 37-47 and Col. 2 lines 33-35 and Col. 4 lines 66-67 and Col. 5 lines 1-16)*:

creating an install file for overseeing installing and uninstalling the software application on a computer system other than the first computer system*(Col. 1 lines 59-63 and Col. 9 lines 16-21)*;

copying the install file from the first computer system to the persistent memory device *(Col. 1 lines 59-63 and Col. 9 lines 16-21)*;

[[b.]] under direction of the install file, transmitting a portion of the data relating to the target computer from the persistent memory device to the target computer *(Col. 1 lines 52-55 and Col. 9 lines 30-39)*; and

[[c.]] modifying settings on the target computer in response to the transmitted data *(Col. 1 lines 37-47 and Col. 9 lines 30-39)*.

Collins et al. does not teach transmitting a portion of the data relating to the first computer to from the persistent memory to the target computer. Specifically, Collins et al. teaches storing data and software files associated with a first computer to a persistent memory and which can then be transferred to a second computer. Additionally, Collins et al. teaches creating install and uninstall files for copying the information from the persistent memory to the target computer. Collins et al. does not teach transferring a portion of the information relating to the first computer from the memory to the target computer.

Carroll et al. teach a method of installing software from a source computer to a target computer. Additionally, Carroll et al. teach installing only a portion of the data relating to the first computer to the target computer. Carroll et al. teach under direction of the install file, transmitting a portion of the data relating to the target computer from the persistent memory device to the target computer *(Col. 2 lines 64-67 and Col. 3 lines 1-6 and Col. 12 lines 2-8)*. In summary, Carroll et al. teaches under instruction from the install file only transmitting a portion of the files associated with the first computer to the target computer.

It would have been obvious to combine the teaching of Collins et al. and Carroll et al. because they both teach method of installing software and data from a source computer or a target computer. Carroll et al. covers the deficiency of Collins et al. by teaching a method of installing only a portion of the information associated with the first computer to the second computer.

As per claim 31, Collins et al. and Carroll et al. teach the claimed invention for all of the reasons stated hereinabove.

As per claim 32, Collins et al. teach the claimed invention comprising:

the information associated with the software application comprises system files associated with the software application *(Col. 1 lines 52-55)*.

As per claim 33, Collins et al. teach the claimed invention comprising:

the information associated with the software application comprises a dynamic link library (DLL) associated with the software application *(Col. 1 lines 52-55 Collins et al. does not explicitly teach a DLL library but it would have been obvious to one of ordinary skill in the art to include a DLL library given that for the software to accomplish a useful function the software must include the associated DLL files)*

As per claim 34, Collins et al. teach the claimed invention comprising:

the information associated with the software application comprises modifications of system registry entries associated with the software application *(Col. 1 lines 52-55 Collins et al. does not explicitly teach a modifying the system registry but it would have been obvious to one of ordinary skill in the art to modify the system registry given that for the software to accomplish a useful function the software must modify the system registry)*

As per claim 35, Collins et al. teach the claimed invention comprising:

monitoring an installation process of a software application on the first computer system, wherein the monitoring comprising tracking locations on said first computer system of the one or more executable files associated with the software application and the information associated with the software application *(Col. 1 lines 59-63 and Col. 9 lines 16-21 Collins et al. does not explicitly teach tracking location during the installation process but it would have been obvious to one of ordinary skill in the art that for installation to be self executing that the location of the executable files but be tracked)* .

As per claim 36, Collins et al. teach the claimed invention comprising:

The machine implemented method of Claim 35, further comprising:

creating a file that describes the locations of the one or more executable files associated with the software application and the information associated with the software application *(Col. 1 lines 59-63 and Col. 9 lines 16-21 Collins et al. does not explicitly teach a file describing the location of the files but it would have been obvious to one of ordinary skill in the art that for installation to be self executing that the location of the executable files must be stored in a file in the installation software)* .

As per claim 38, Collins et al. teach the claimed invention comprising:

the install file comprises registry keys associated with the software application *(Col. 1 lines 52-55 Collins et al. does not explicitly teach registry keys in the install file but it would have been obvious to one of ordinary skill in the art that the install file includes registry keys given that for the software to accomplish a useful function the software must modify the system registry).*

As per claims 39-44 and 46, it is directed at the apparatus for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed apparatus for transferring a software application from a persistent memory to a target computer.

As per claims 47-52 and 54, it is directed at the apparatus for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed apparatus for transferring a software application from a persistent memory to a target computer.

As per claims 55-60, it is directed at the instructions for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed instructions for transferring a software application from a persistent memory to a target computer.

Claims 37, 45, 53, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (US Patent No. 5,845,090) in view of Carroll et al. (US Patent No. 6,301,707) in further view of Kitagawa (US Patent Application Publication 2002/0100037).

As per claim 37, Collins et al. and Carroll et al. teach the claimed invention for all of the reasons stated hereinabove. Collins et al. and Carroll et al. do not teach automatically deleting the information from the second computer upon completion of the software. Specifically, Collins et al. and Carroll et al. teach creating install and uninstall files for copying the information from the persistent memory to the target computer and transferring a portion of the information relating to the first computer from the memory to the target computer. Collins et al. and Carroll

et al. do not teach deleting or uninstalling the information when execution of the software is complete.

Kitagawa teaches a method of installing software from a source computer to a target computer where after execution of the software in the target computer the information stored in the target computer is deleted. Kitagawa teach the claimed invention comprising in response to execution of the software application on the second computer system automatically deleting the information associated with the software application from the second computer system *(Paragraphs [0076]-[0079])*. In summary, Kitagawa teaches deleting or uninstalling the information when execution of the software is complete.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Collins et al. and Carroll et al. and Kitagawa because they all teach method of installing software and data from a source computer or a target computer. Kitagawa teaches the deficiency of Collins et al. and Carroll et al. by teaching after execution of the software in the target computer the information stored in the target computer is deleted.

As per claim 45, it is directed at the apparatus for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed apparatus for transferring a software application from a persistent memory to a target computer.

As per claim 53, it is directed at the apparatus for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed apparatus for transferring a software application from a persistent memory to a target computer.

As per claim 61, it is directed at the instructions for transferring a software application from persistent memory to a target computer. Since Collins et al. teach the claimed method, Collins et al. teach the claimed instructions for transferring a software application from a persistent memory to a target computer.

5

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 15 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Weinman whose phone number is (571) 272-2744. The 20 examiner can normally be reached on Monday-Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sean Weinman
Examiner
Art Unit 2115

CHUN CAO
PRIMARY EXAMINER